

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL CASE NO. 3:08cv246

US AIRLINE PILOTS)
ASSOCIATION,)
)
Plaintiff,)
)
vs.) ORDER
)
AWAPPA, LLC, *et al.*,)
)
Defendants.)
)

THIS MATTER is before the Court *sua sponte*.

The Defendants AWAPPA LLC, John McIlvenna, Mitch Vasin, Peter Blandino, Eric Ferguson, Jeff Koontz, and Russ Payne have filed a Motion Dismiss [Doc. 42] in this matter, asserting that this Court lacks subject matter jurisdiction over the Plaintiffs' claims.

Because the Defendants' Motion to Dismiss raises potentially dispositive issues of subject matter jurisdiction, the Court determines that this Motion should be heard and disposed of prior to the Court's hearing of the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 63], which has been scheduled to be heard on June 27,

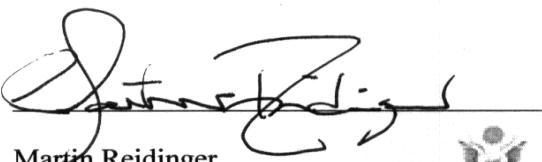
2008 at 9:00 a.m. Accordingly, the Defendants' Motion to Dismiss [Doc. 42] shall also be set for hearing on June 27, 2008 at 9:00 a.m. If the Plaintiff wishes to respond in writing to the Defendants' Motion to Dismiss [Doc. 42], the Plaintiff is advised to do so on or before Wednesday, June 25, 2008.

Accordingly, **IT IS, THEREFORE, ORDERED** that both the Motion to Dismiss of Defendants AWAPPA, McIlvenna, Vasin, Blandino, Ferguson, Koontz, and Paynet [Doc. 42] and the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 63] shall be heard on June 27, 2008 at 9:00 a.m.

IT IS FURTHER ORDERED that any written response by the Plaintiff to the Defendants' Motion to Dismiss [Doc. 42] shall be filed on or before **Wednesday, June 25, 2008.**

IT IS SO ORDERED.

Signed: June 23, 2008



Martin Reidinger
United States District Judge

